

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Localism Task Force

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Docket No. RM-10803

WRITTEN COMMENTS OF
KZQX-LP

KZQX-LP is a licensed Low Power Radio station, operated in East Texas by CHALK HILL EDUCATIONAL MEDIA. Our station has been On The Air for more than a year, which makes it “an old timer” by Low Power FM standards.

We believe we have been making a valuable, and measurable, contribution to the communities we serve. We hope to continue doing so. We also hope that many more Low Power Radio stations, both FM and AM, will be serving *their* communities in the near future. In our view: Low Power Radio *is* Local Power Radio.

Who is better equipped to report *truly* local news and views, *and* more motivated to do it, than a radio station with a maximum broadcast radius of 2 to 5 miles?

Fortunately, the FCC was wise enough to establish a Low Power FM Radio Service in January of 2000. *Unfortunately*, between a subsequent counterattack in Congress by established broadcasters and some debatable decisions on LPFM implementation by the Federal Communications Commission itself, Low Power Radio to date has been held to a fraction of its potential contribution to our nation. It should be expanded, dramatically.

THE KEY PROBLEMS

The potential growth of Low Power Radio has been hindered throughout America.

1. In many of America's largest urban areas, and in other areas where the FM Band is too congested to allow the placement of new Low Power FM stations, the growth of Low Power Radio has ended before it began.

Metro Detroit and Metro Boston, for example, have no LPFM stations at all. Metro Providence is still fighting over its single open frequency.

2. Further, these large metropolitan areas are not the only ones to face problems in finding available frequencies for LPFM stations.

In the other areas of the United States, including even some large to mid-sized cities, otherwise available FM Band frequencies have been awarded to -- or else held in legal limbo due to license applications for -- satellators and other long distance translators. There is, at present, no numerical limit on the number of translators that a non-commercial entity can own. As a result, hundreds of satellator licenses have been given to, and thousands more are currently being sought by, Calvary Chapel and a small handful of other evangelical broadcasting "chains". Given the relative Service Status of the stations involved, these satellators and other long distance translators, re-playing "canned" programming that originates hundreds or even thousands of miles away, can

legally delay or displace locally originated programming from locally based Low Power Radio stations. The current policies make no sense if the FCC is truly striving to preserve and promote localism in radio broadcasting.

3. An additional problem also faces Low Power Radio stations. Having small service areas to begin with, Low Power FM stations are particularly vulnerable to the financial effects of service area shrinkage due to interference from In Band On Channel (IBOC) Digital Radio.

Once they have been established, Low Power *AM* stations will be even *more* vulnerable -- due to the AM Band's generally higher susceptibility to of IBOC interference.

THE KEY SOLUTIONS

4. In our nation's most densely populated urban areas, and in other areas where the FM Band is too congested to allow the placement of new Low Power Radio stations, Low Power AM may be the *only* way to bring Low Power Radio onto the local airwaves.

In this regard, the Localism Task Force should carefully review the December 22, 2003 Written Comments in this Docket by the MICHIGAN MUSIC IS WORLD CLASS! CAMPAIGN (MMWC).

The Task Force should also review a December 21, 2003 study, prepared for MMWC by REC NETWORKS of Arizona, which finds that even a shift to second adjacent channel spacing for LPFM would not open any frequencies whatsoever for new LPFM stations in Metropolitan Detroit.

The REC NETWORKS study can be found at:

<http://www.recnet.com/fcc/LPFM-detroit.pdf>

The study concludes that Low Power AM appears to be the *only* way to bring Low Power Radio to Metropolitan Detroit -- and, by implication, to other areas “similarly situated” -- *unless* Congress and the Commission are willing to allow *primary* adjacent spacing for LPFM stations.

Thus, the Task Force should recommend timely action by the full Commission to:

- (A) Docket for public comment the Petition For Rulemaking, to establish a Low Power AM Radio Service, that was filed with the FCC’s Office of the Secretary by Fred Baumgartner, C.P.B.E. of Colorado and then placed in FCC Docket RM-10803, by Mr. Baumgartner and Nickolaus E. Leggett of Virginia, on October 22, 2003

AND

- (B) Issue a Notice Of Proposed Rulemaking, based upon the Baumgartner LPAM Petition, which incorporates Primary Service Status for LPAM stations and the other modifications recommended by THE LPAM TEAM in its Joint Written Comments of December 5, 2003

A Low Power AM Service should be created in addition to, rather than instead of, expanding the LPFM Service. LPFM expansion is amply justified and long overdue.

4. While it appears that *only* Low Power AM will bring Low Power Radio to those areas with the highest FM Band congestion, other reforms can make a huge difference for the better in the rest of the United States.

In the case of two areas where reform is needed, the need for action is *urgent*. To prevent irreparable harm to adversely affected radio stations, the Task Force should urge *immediate* action by the full Commission to:

- (C) Restrain and reverse the proliferation of satellators, and other long distance translators, as proposed in the multi-party Petition For Expedited Relief, Through Rulemaking, that was filed in this Docket by THE AMHERST ALLIANCE and others on November 14, 2003

AND

- (D) As proposed in the same Expedited Relief Petition, allow, on a case-by-case basis, emergency boosts in wattage and/or tower height to offset the erosion of original service areas by IBOC interference

The Task Force should further recommend action by the full Commission to:

- (E) Endorse to Congress the recommendation of the MITRE Corporation, in an independently formulated Report that was released by the FCC on July 10, 2003, that third adjacent channel spacing requirements for LPFM stations should be repealed

AND

- (F) Proceed with the overdue opening of the long-promised "filing window" for the LP-10 stations -- that is, the smaller Tier of LPFM stations in the range of 1 to 10 watts -- as opposed to the current policy of considering only applications for the larger LP-100 stations

While *only* Recommendations A and B -- for a new, Low Power AM Radio Service -- may bring Low Power Radio stations to the airwaves of Metropolitan Detroit or Metropolitan Boston, Recommendations C through F can trigger a tremendous increase in locally based, locally focused radio throughout the rest of the United States. Even many mid-sized cities can benefit from these other reforms.

Low Power AM is the single most important reform in the most densely populated areas of the country, and in other areas where the FM Band is “super-saturated”.

For the rest of the United States, *translator reform* is the most important reform.

THE CONCLUSION

For the reasons stated, KZQX-LP urges the FCC to adopt our recommendations.

Respectfully submitted,

Chuck Conrad, General Manager
KZQX-LP
P.O. Box 1008
Kilgore, Texas 75663-1008
(Station) 904/643-7711
(Home) 904/643-2105
ChuxGarage@aol.com
URL: www.kzqx.com

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